

**JUDGE BRIEANT**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN THE MATTER OF THE COMPLAINT

Civil Action No.: 08 CV

**08 CV 2042**

of

**NOTICE OF FILING A COMPLAINT FOR  
EXONERATION FROM OR  
LIMITATION OF LIABILITY**

FRANK J. DIEBER, as owner of a 1988 20-foot Formula SR1 vessel for Exoneration from or Limitation of Liability.

Petitioner.

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**PLEASE TAKE NOTICE** that FRANK J. DIEBER (hereinafter "Petitioner") as owner of a 1988 20-foot Formula SR1 vessel (hereinafter the "Vessel") has filed a Complaint claiming the right to Exoneration from or Limitation of Liability pursuant to the vessel owner's Limitation of Liability Act, Title 46 U.S.C. §30501 *et seq.*, for all claims, damages and/or losses arising out of or resulting from an boating accident alleged to have occurred between the Vessel and a pontoon-type boat on or about June 29, 2007, on the navigable waters of Greenwood Lake, Orange County, New York, as described in the Complaint, and

**PLEASE TAKE FURTHER NOTICE** that all persons, firms, entities or corporations, having any claim or suit against Petitioner arising or resulting from the alleged accident must file a Claim as provided in Rule "F" of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, with the Clerk of the Court, at the United States Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, New York, 10601-4150 and must deliver or mail to the attorneys for the Petitioner, James E. Mercante, Esq., RUBIN, FIORELLA & FRIEDMAN LLP, 292 Madison Avenue, 11<sup>th</sup> Floor, New York, New York 10017, a copy on or before April 21, 2008, or be defaulted.

Personal attendance is not required.

**FURTHER**, any Claimant desiring to contest Petitioner's right either to Exoneration from or Limitation of Liability shall file an Answer to the Complaint on or before the aforesaid date as required by Supplemental Rule "F" of the Federal Rules of Civil Procedure, and deliver or mail a copy to the attorneys for the Petitioner, or be defaulted.

Dated: White Plains, New York  
March 7, 2008

*J. Michael McMahon*  
CLERK

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Clerk

By:

*OTJ*

Robert Rogers  
Deputy-in-Charge  
USDC / SDNY